

Federal Agencies



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Assistant Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

Comment Letter F-1

August 12, 2002

Mr. Tom Gandesbury
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, California 94612-2530

Dear Mr. Gandesbury:

Enclosed are comments on the Draft Environmental Impact Statement for Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project marine County, California. We hope our comments will assist you. Thank you for giving us the opportunity to review this document.

Sincerely,

James P. Burgess, III
NEPA Coordinator

Enclosure





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Southwest Region
777 Sonoma Ave., Room 325
Santa Rosa, CA 95404-6528
Tel (707) 575-[phone] Fax (707) 578-3435

August 12, 2002

MH

MEMORANDUM FOR: James P. Burgess, III
NEPA Coordinator

FROM: Mark Helvey
Acting Northern California Supervisor
Habitat Conservation Division

SUBJECT: DEIS 0202-05--Bel Marin Keys Unit V Expansion of the Hamilton
Wetland Restoration Project, Marin County, California

NOAA Fisheries supports the preferred alternative, "Beneficial Reuse of Dredged Material with Seasonal Wetlands" (Alternative 2). This alternative will benefit NOAA's trust resources by reclaiming 1,249 acres of historic wetland habitat and by lessening the amount of dredge material that potentially could be disposed within San Francisco Bay by receiving these dredged materials at the proposed site. F-1.1

The proposed project may still require subsequent consultations with our office regarding section 7 of the Endangered Species Act. F-1.2



MEMORANDUM FOR: James P. Burgess III
Acting Director, Office of Strategic Planning

FROM: Charles W. Challstrom
Director, National Geodetic Survey

SUBJECT: DEIS-0207-05 Bel Marin Keys Unit V Expansion of the Hamilton
Wetland Restoration Project Marin County, California

The subject statement has been reviewed within the areas of the National Ocean Service (NOS) responsibility and expertise and in terms of the impact of the proposed actions on NOS activities and projects.

Note, in 2000, NOS carried out a project in support of the Hamilton Army Airfield Restoration. This project included establishing geodetic control as well as installing a tide gauge and supporting reference bench marks.

All available geodetic control information about horizontal and vertical geodetic control monuments in the subject area is contained on the National Geodetic Survey's home page at the following Internet World Wide Web address: <http://www.ngs.noaa.gov> After entering the this home page, please access the topic "Products and Services" and then access the menu item "Data Sheet." This menu item will allow you to directly access geodetic control monument information from the National Geodetic Survey data base for the subject area project. This information should be reviewed for identifying the location and designation of any geodetic control monuments that may be affected by the proposed project.

If there are any planned activities which will disturb or destroy these monuments, NOS requires not less than 90 days' notification in advance of such activities in order to plan for their relocation. NOS recommends that funding for this project includes the cost of any relocation(s) required.

For further information about geodetic control monuments, please contact Rick Yorczyk; SSMC3 8636, NOAA, N/NGS; 1315 East West Highway; Silver Spring, Maryland 20910; Telephone: 301-713-3230 x142; Fax: 301-713-4175, E-mail: Rick.Yorczyk@noaa.gov.

NOS has a geodetic State Advisor in California, Marti Ikehara, who can provide further assistance. She can be reached at: NGS, c/o CALTRANS, Geometronics Branch, MS 35, 1727

30th Street, Sacramento, CA 95816. Telephone: 916-227-7325; Fax: 916-227-7670; E-mail: marti_ikehara@dot.ca.gov.

Tidal station and water level information are available from the Center for Operational Oceanographic Products and Services (CO-OPS) home page at the following Internet World Wide Web address: <http://www.co-ops.nos.noaa.gov/>

Contact for water level data and benchmark information: Steve Lyles; NOAA, NOS, CO-OPS, Products and Services, N/OPS3; Attn: Water Levels; 1305 East-West Highway; Silver Spring, MD 20910-3281. Telephone: 301- 713-2877 x 176; Fax: 301-713-4437, E-mail: Stephen.Lyles@noaa.gov

The identified plan provides for potential modifications, to a barrier levee, an access berm, and a tidal breach. If the project is completed as proposed there will be no direct impact on navigation. However, NOS would like as built surveys and engineering drawings so that shoreline changes can be accurately detailed on future editions of affected NOS Charts.

F-1.4

For further information about these charting activities, please contact Howard Danley; NOAA, NOS, Office of Coast survey, N/CS28; SSMC3 7458; 1315 East West Highway; Silver Spring, Maryland 20910; telephone: (301)713-2732 x105. E-mail: Howard.Danley@noaa.gov



UNITED STATES DEPARTMENT OF COMMERCE
Office of the Assistant Secretary for
Oceans and Atmosphere
Washington, D.C. 20230

Rec'd Aug 28/02
-MCL

AUG 22 2002

Mr. Tom Gandesbery
California State Coastal Conservancy
1330 Broadway, 11th Floor
Oakland, California 94612-2530

Dear Mr. Gandesbery:

Enclosed are additional comments on the Draft Environmental Impact Statement for Bel Marin Keys Unit V Expansion, Hamilton Army Airfield Wetland Restoration Project (Novato, Marin County, CA). We hope our comments will assist you. Thank you for giving us the opportunity to review this document. If you have any questions, please call Mark Millikin at 202-482-2153.

Sincerely,

James P. Burgess, III
NEPA Coordinator

Enclosure

RECEIVED

AUG 28 2002

COASTAL CONSERVANCY
OAKLAND, CALIF.



MEMORANDUM FOR: James P. Burgess, III
NEPA Coordinator

FROM: Dr. Russell Bellmer & /s/
Jennifer Macal
NOAA Restoration Center

SUBJECT: Draft General Reevaluation Report and Draft Supplemental
Environmental Impact Report/Statement: DEIS-0207-05-Bel
Marin Keys Unit V Expansion of the Hamilton Wetland
Restoration Project Dated July 2002

General Comments:

The document appears to presents a significant amount of physical information on the existing environmental conditions and the three alternatives under consideration. The preferred alternative physical benefits projections seem based in sound technical analyses and professional judgments. The analyses of the proposed dredged material placement to support restoration of important tidal habitat in San Francisco Bay seems to limit the discussion of potential natural resources impacts and benefits. The California State Coastal Conservancy and U.S. Army Corps of Engineers, San Francisco District should be commended on their excellent planning efforts to help restore this significant ecosystem. The few marine resource comments provided below are offered to help the document reader have a more complete understanding of the proposed project impacts and benefits. Thank you for the opportunity to review this document in support of sound ecosystem restoration.

Specific Comments:

The document contains a thorough and complete description of the existing physical environment and the future physical environment with and without the project. An analysis of the existing and future marine biological community, however, is lacking. These resources are one of the main reasons to restore this ecosystem. Consideration should be given to address the existing marine environment, short-term and long-term impacts, and methods to minimize potential impacts. This same approach should be used to address marine resource benefits. This information will assist the reader to fully understand those measures taken to insure that these natural resources will be enhanced with the proposed project in place.

F-1.5

The document section on environmental regulatory requirements does not reflect all appropriate state and federal environmental laws, regulations, and directives (e.g., Anadromous Fish Conservation Act, Marine Protection, Research, and Sanctuaries Act, Magnuson-Stevens Fishery Conservation and Management Act, and Executive Orders). This section should be expanded and coordinated with the responsible agencies to insure the reader that the proposed project has or will meet all appropriate environmental requirements. This discussion should present information on any potential for project modifications necessary to comply with any conditions that may occur during the review process. The reader needs to have a better understanding of the benefits and impacts to those resources covered under specific authorities.

F-1.6

The document does not provide a Draft Biological Opinion under the Endangered Species Act, a Draft Essential Fish Habitat Assessment under the Magnuson-Stevens Fishery Conservation and Management Act, or a Draft Consistency Determination under the Coastal Zone Management Act. These draft documents would help to insure the reader that the requirements under these specific Acts have been fully addressed in the project planning stage and allow for comments on these requirements. Consideration should be given to including these in the document.

F-1 U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA)

F-1.1

The comment is noted.

F-1.2

Requirements for consultation including ESA Section 7 consultation are described in Section 6 (p. 6-2) and also noted in table 1-2

F-1.3

Comment noted.

F-1.4

Comment noted. Detailed engineering design and mapping would be part of the project engineering and design (PED) phase. The project sponsors would be pleased to provide copies of the final design and associated mapping to NOAA.

F-1.5

Existing subtidal and intertidal aquatic habitat are described in the *Biological Resources* in chapter 4 of the Draft SEIR/EIS including a brief discussion of some of the marine communities that utilize these habitats. Short-term (construction-related) impacts on marine biological resources including fish (both common and special-status), tidal mudflat, coastal salt marsh are identified along with mitigation measures to avoid or reduce the identified impacts. Long-term benefits are also described in terms of increases in subtidal aquatic habitat, intertidal aquatic habitat, and coastal salt marsh. While the document does not provide a detailed description of future marine communities, these communities would be expected to be similar to those that currently utilize the subtidal and intertidal aquatic habitats present at neighboring areas of remnant tidal mudflat and coastal salt marsh. Marine resource benefits are estimated by identifying the approximate acreages resultant from the project at maturity. The discussion of marine resources has been expanded to provide the reader with an improved context for the impact and benefit discussion.

F-1.6

The Consultation and Requirements section in chapter 6 of the SEIR/EIS has been revised to include discussion of all of the federal laws, regulations, and directives mentioned in the comment, in addition to several additional state requirements.

F-1.7

The project is currently in the conceptual design phase. The Draft SEIR/EIS has been developed to incorporate environmental concerns in the conceptual design phase. A draft Biological Assessment is currently in preparation for the project. A draft essential fish habitat (EFH) assessment and a draft consistency determination will also be developed for the project. The Consultation and Requirements section in chapter 6 of the SEIR/EIS has been revised to include an expanded discussion of the requirements of the Endangered Species Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the Coastal Zone Management Act (CZMA). Following conceptual design, the project (if authorized) would move to the detailed design phase, wherein more of the specific details necessary for agency consultation would be identified. At that point, formal consultation and determination of consistency will commence pursuant to these federal requirements.

Regarding Endangered Species Act consultation, the Corps has begun formal consultation with the U.S. Fish and Wildlife Service and informal consultation with the National Marine Fisheries Service for the HWRP... Formal consultation would occur once the detailed design information that USFWS and NMFS require is developed. Similar consultation regarding EFH would also occur at that point.

Regarding consistency with the CZMA, it should be noted that the San Francisco Bay Conservation and Development Commission (BCDC), which is the state agency that implements the CZMA within the San Francisco Bay, is a cooperating agency for the project. While a consistency determination has not been formally developed and submitted to BCDC, CZMA concerns have been incorporated into project planning from inception, in large part through the involvement of BCDC.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

Comment Letter F-2

September 3, 2002

Eric Jolliffe
U.S. Army Corps of Engineers
San Francisco District
333 Market Street, 7th Floor
San Francisco, CA 94105

~~Dear~~ Mr. Jolliffe:

The Environmental Protection Agency (EPA) has reviewed the Supplemental Draft Environmental Impact Statement/Environmental Impact Report (SDEIS/EIR) for the **Bel Marin Keys Unit V (BMKV) Expansion of the Hamilton Wetland Restoration Project, Marin County, California (CEQ# 020302, ERP #COE-K39034-CA)**. The SDEIS/EIR is a supplement to a 1992 Draft EIS/EIR for this project, and is tiered to the 1998 Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR) for the Hamilton Wetland Restoration Project (HWRP). The FEIS/FEIR for the HWRP provided a programmatic-level analysis of expanded wetland restoration at the BMKV site. Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The U.S. Army Corps of Engineers (Corps) and the California State Coastal Conservancy (Conservancy) propose to restore over 1,000 acres of tidal marsh and other wetland and upland habitat at the BMKV property, as an expansion of the HWRP. In addition to the no-action alternative, the SDEIS/EIR evaluates three action alternatives: 1). dredged material placement with enlarged Pacheco Pond; 2). dredged material placement with seasonal wetlands; and 3). natural sedimentation with enlarged Pacheco Pond. The Corps has identified Alternative 2 as the preferred alternative, and the Conservancy has not yet identified a preferred alternative. The Corps' preferred alternative includes placement of 13 million cubic yards of dredged material on the site to create 1,039 acres of tidal wetlands, 137 acres of other tidal habitats, 210 acres of non-tidal wetland, and 190 acres of upland buffer areas. It includes construction and improvement of new and existing levees, installation of new water conveyance structures, and construction of a recreation corridor (connected to the Bay Trail) and interpretive center.

EPA Region 9 was actively involved in the development of the HWRP, and provided funding to the Conservancy for early project scoping. We support the expansion of the HWRP at the BMKV site, especially Alternatives 1 and 2, as they further the goals of the federal/state *Long-Term Management Strategy for the Placement of Dredged Material in the San Francisco Bay Region*. Re-using dredged material for this project provides several benefits, including a reduction in the time needed for re-establishing tidal and other wetland habitats on the site, and a decrease in the volume of dredged material disposed of in the Bay or ocean.

EPA supports the goals and objectives of the proposed restoration at the BMKV property. In our review of the document, we found that the SDEIS/EIR sufficiently addresses the environmental impacts of the proposed alternatives. Therefore, EPA has rated this document "**LO - Lack of Objections.**" (Please see the attached *Rating Factors* for a description of our rating system). Our rating of LO reflects our overall view of the adequacy of the document. However, EPA recommends that the Corps and Conservancy address the following recommendations in the Final SEIS/EIR in order to improve the document and the effectiveness of the final project:

Monitoring

Mitigation Measure BIO-8 and BIO-9 both address measures for monitoring the rate and success of marsh, brackish open water, emergent marsh, and seasonal wetland habitat establishment at the site. For marsh development, the SDEIS/EIR commits to a 15-year monitoring program, with annual monitoring during the first five years, and then again in years 10 and 15. For other habitats, the agencies plan to implement a 5-year monitoring program.

EPA recommends that the Corps and the Conservancy consider using an adaptive management approach in determining the frequency and duration of monitoring for all types of habitat. For instance, if after 5 years marsh habitat on the site is still far from achieving performance standards, then additional annual monitoring (and possible corrective measures) may be needed. Similarly, if habitat establishment in brackish open water, emergent marsh, and seasonal wetlands areas has not been successful within the 5-year monitoring period, the Corps and Conservancy should consider whether monitoring should be continued beyond this initial effort.

F-2.1

Biological Impacts

Pages 4-75 and 4-76 list "Impact Mechanisms" and "Thresholds of Significance" on biological resources related to the implementation of the proposed project. We recommend that the bioavailability of contaminants, and any associated impacts from biogeochemical process changes also be considered here.

F-2.2

Water Quality

Page 4-58 discusses the potential increases in turbidity and sedimentation associated with breaches of the levees and full tidal circulation. The SDEIS/EIR states that no substantial offsite sediment transport is anticipated. Do the results of the Corps/Conservancy Sonoma Baylands project offer any information which would help evaluate potential changes to offsite transport of sediment and associated increases of turbidity in the Bay associated with the proposed project? Given some of the similarities in restoration approach and design between these projects, outcomes from the Sonoma Baylands project may offer useful information regarding impacts to water quality associated with the proposed project. If so, it would be useful to include a short discussion of this in the FSEIS/EIR.

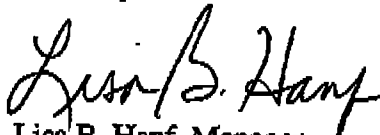
F-2.3

Miscellaneous

- Page 3-12 describes the creation of a staging area for Phase I of the project. EPA recommends that staging areas should be located in upland areas whenever possible. F-2.4
- Page 4-128 - "Chemical Suitability of Dredged Material" section incorrectly lists Cal-EPA as one of the member agencies of the Dredged Material Management Office. F-2.5
- Throughout the document, references to Public Notice (PN) 99-3 should be updated to reference the final guidance document in PN 01-01. F-2.6
- Pages 4-131 and 4-134 discuss several sediment contaminants, including polynuclear aromatic hydrocarbons (PAHs). The document incorrectly abbreviates this contaminant as PNAs and in Table 4-11 incorrectly identifies them as polyaromatic hydrocarbons. F-2.7

We appreciate the opportunity to review this SDEIS/EIR. Please send three (3) copies of the Final Environmental Impact Statement to this office at the same time it is officially filed with our Headquarters Office of Federal Activities. If you have any questions, or wish to discuss our comments, please call Ms. Shanna Draheim, of my staff at (415) 972-3851.

Sincerely,



Lisa B. Hanf, Manager
Federal Activities Office

Enclosure: EPA Rating Sheet

cc: Tom Gandesbery, California State Coastal Conservancy.

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."

F-2 U.S. Environmental Protection Agency (USEPA), Region IX

F-2.1

The possibility of change in monitoring regime after 5 years has been added to Mitigation Measures BIO-8 and BIO-9. Change in the monitoring regime may be necessary if the rate, quality, and quantity, are not meeting restoration goals. The Monitoring and Adaptive Management Plan for the HWRP has been updated for the BMKV expansion and added as an appendix to the Final SEIR/EIS.

F-2.2

Bioavailability of contaminants has been added as an impact mechanism to the *Biological Resources* section of chapter 4. The document discusses the potential for increased availability of contaminants due to the use of dredged material and due to the potential for increased mercury methylation in the *Water Quality* section (see impacts WQ-1 and WQ-9). A reference has been added to the *Biological Resources* section to direct the reader to this discussion.

F-2.3

A review of available monitoring data from Sonoma Baylands project did not identify any monitoring data for sedimentation off-site. Thus, there are no data available from the Sonoma Baylands project by which to expand the assessment of off-site sediment transport in this SEIR/EIS. Nevertheless, because the project is essentially designed as a sediment trap, the conclusion that no significant increases in sedimentation or turbidity off-site remains unchanged.

F-2.4

Comment noted.

F-2.5

Section corrected as requested.

F-2.6

Reference updated.

F-2.7

Reference corrected.



United States Department of the Interior

OFFICE OF THE SECRETARY-
Office of Environmental Policy and Compliance
1111 Jackson Street, Suite 520
Oakland, CA 94607

Comment Letter F-3

September 16, 2002

ER: 02/684

Mr. Eris Jolliffe
U.S. Army Corps of Engineers
San Francisco District
333 Market Street, 7th Floor
San Francisco, California 94105-2102

Subject: Review of Draft General Re-evaluation Report and Draft Supplemental Environmental Impact Report/Statement for Bel Marin Keys Unit V Expansion of the Hamilton Wetland Restoration Project, Marin County, California (ER 02/684)

Dear Mr. Jolliffe,

The U.S. Department of the Interior has received and reviewed the subject document and has no comments to offer. F-3.1

Thank you for your opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc: Director, OEPC, DC
FWS, Portland, OR

F-3 U.S. Department of Interior, Office of Environmental Compliance (OEPC)

F-3.1

Comment noted.